IT IS ORDERED that: (1) the Petition is denied; and (2) Judgment

shall be entered dismissing this action with prejudice.

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IT IS FURTHER ORDERED that the Clerk serve copies of this Order and the Judgment herein on Petitioner and counsel for Respondent.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: December 12, 2008

AUDREY B. COLLINS
UNITED STATES DISTRICT JUDGE

amany B. Collins